

Wetlands Bureau Decision Report

Decisions Taken
05/26/2008 to 06/01/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-00309 ESSON, RICHARD
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing breakwater, 4 ft x 45 ft cantilevered pier, and a 4 ft x 36 ft walkway along the shore, remove two 4 ft x 30 ft seasonal docks, install a 6 ft x 40 ft seasonal dock at the northeast end of the walkway, and construct 4 ft wide wooden lake access stairs on 249 ft of frontage on Barndoor Island in Alton on Lake Winnepesaukee.

APPROVE PERMIT:

Repair an existing breakwater, 4 ft x 45 ft cantilevered pier, and a 4 ft x 36 ft walkway along the shore, remove two 4 ft x 30 ft seasonal docks, install a 6 ft x 40 ft seasonal dock at the northeast end of the walkway, and construct 4 ft wide wooden lake access stairs on 249 ft of frontage on Barndoor Island in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Donald Esson dated February 7, 2008, as received by DES on February 28, 2008
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Lake access stairs will be seasonal construction and shall be removed from the lakebed for 5 months during the nonboating season.
6. Proposed repairs shall maintain the existing size, location and configuration of structures.
7. The seasonal piers shall be removed for five months during the non-boating season.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. This permit does not authorize dredging for any purpose.
10. This permit does not authorize sand deposition of any kind, including beach replenishment.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(j), modification of a docking system including a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed modifications will not increase the number of slips provided on the frontage.

-Send to Governor and Executive Council-

2008-00397 SKOGLUND, STEPHEN
RYE Little Harbor

Requested Action:

Add an 8 ft. X 20 ft. float section to an existing 8 ft. X 30 ft. floating dock and relocate two existing pilings to the end of the new float section to accommodate docking a larger boat at this existing fixed timber pier located on 310 feet of shoreline frontage on Little Harbor.

Conservation Commission/Staff Comments:

No report or comments were received from the Rye Conservation Commission on this application.

Inspection Date: 05/06/2008 by Frank D Richardson

APPROVE PERMIT:

Add an 8 ft. X 20 ft. float section to an existing 8 ft. X 30 ft. floating dock and relocate two existing pilings to the end of the new float section to accommodate docking a larger boat at this existing fixed timber pier located on 310 feet of shoreline frontage on Little Harbor.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 2/8/08, as received by DES on March 12, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 06, 2008. Field inspection determined adding the 8'x20' float section to this existing docking system will have no adverse impact.
6. The Chief Harbor Master has "... examined the proposed site and found that the project would have no negative effect on navigation in the channel."
7. Send to Governor and Executive Council for approval.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2001-02344

RAMSEY, RAYMOND

PORTSMOUTH Unnamed Wetland

Requested Action:

Amend 10/16/2007 approval condition requiring execution of conservation easement on 1.9 acres of land depicted as on revised plans by Ambit Survey dated March 26, 2002 to be executed no later than June 1, 2008, to instead require execution of the conservation easement by a date prior to the start of construction, and that the conservation easement will be obtained and documented to DES prior to the permittee commencing construction, per letter from the permittee's attorney Charles Griffin dated May 1, 2008, as received by DES on May 5, 2008.

Conservation Commission/Staff Comments:

Con. Com. recommends approval.

Inspection Date: 02/11/2002 by David A Price

APPROVE AMENDMENT:

Dredge and fill a total of 7,500 sq. ft. of a drainage swale for the construction of a wetland creation-enhancement area/detention pond and installation of rip-rap and a v-notch weir to control stormwater runoff for a proposed commercial development. Approve as mitigation, a conservation easement to preserve 1.9 acres of undisturbed forest and the proposed wetland creation-enhancement area/detention pond area.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated October, 2001 with revisions dated March 26, 2002, as received by the Department on April 1, 2002.
2. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
3. Any further alteration of wetlands on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.
8. Permit is contingent upon approval by DES Site Specific Bureau.
9. All catch basins installed for this project shall be constructed with debris hoods. Trapped sediment shall be cleaned out of the catch basins annually.
10. There shall be no environmental impact to abutting property owners.

Wetland Creation/Enhancement

11. This permit is contingent upon the wetland creation-enhancement of a 19,099 sq. ft. wetland area as depicted on the plan by Seekamp Environmental Consulting, Inc. dated March 5, 2002, as received by the Department on March 12, 2002.
12. The schedule for construction of the mitigation area shall coincide with the site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
13. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
14. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation-enhancement site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
15. Wetland creation-enhancement area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
16. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
17. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with

the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

18. Monitoring reports describing and evaluating mitigation progress shall be submitted to DES Wetlands Bureau to the following schedule:

- a) upon completion of construction;
- b) at the end of first growing season;
- c) at the end of subsequent growing seasons until final delineation occurs at five years post-construction.

19. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation sites.

20. After at least five full growing seasons, the permittee shall submit to DES Wetlands Bureau delineation of the wetlands within the mitigation sites and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans, and submit a narrative functional assessment of the newly created wetland.

21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

AMENDED: Land Resource Preservation

22. AMENDED: This permit is contingent upon the execution of a conservation easement on 1.9 acres as depicted on the plan by Ambit Engineering, Inc. dated October, 2001 with revisions dated March 26, 2002, as received by the Department on April 1, 2002. The conservation easement shall be executed prior to the commencement of the construction of the project. DES shall be provided with documentation in the form of the executed easement, to demonstrate that the permittee has complied with this requirement, and the permittee shall not commence any project construction until DES reviews and sends acknowledgement accepting the documentation to the permittee.

23. The conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

24. Permit is contingent on submission and approval by DES of the final conservation easement language.

25. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

26. The conservation easement area shall be marked by stakes signs indicating the location and restrictions of the area prior to construction.

27. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

28. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

- 1. The permittee was unable to comply with the mitigation execution deadline of June 1, 2008 imposed in the October 16, 2007 time extension approval action. The deadline limited the applicant to less than 8 months to execute the mitigation, which did not correspond with the duration of the permit.
- 2. The land preservation condition amendment approved herein is consistent with the original permit conditions requiring execution of the mitigation at time prior to project construction, and is more requiring in terms of its specificity, than the original conditions.

2003-00597 PRECISION PLACE AT WENTWORTH LLC
LONDONDERRY Unnamed Wetland

Requested Action:

Approve name change to: Precision Place at Wentworht LLC, 649 East Industrial Park Dr., Manchester NH 03109 per request received 5/22/2008. Previous owner: Astoria 49 Wentworth LLC. Second name change

Conservation Commission/Staff Comments:

Londonderry Conservation Commission recommends approval of the project.

APPROVE NAME CHANGE:

Dredge and fill 6,700 sq. ft. of previously disturbed palustrine forested wetlands for commercial/industrial lot development within an established industrial park.

With Conditions:

1. All work shall be in accordance with plans by Opechee Construction Corporation dated 3/28/03, as received by the Department on April 2, 2003.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
2. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2007-00708 PUBLIC SERVICE OF NH
CHESTER Unnamed Wetland

Requested Action:

Request amendment to impact an additional 1,000 sq. ft. of previously disturbed scrub-shrub wetlands to replace and maintain and provide year around access to the utility pole which provides service to the house lot.

Conservation Commission/Staff Comments:

No comments received from the Chester Conservation Commission.

APPROVE AMENDMENT:

Approve amendment to impact an additional 1,000 sq. ft. of previously disturbed scrub-shrub wetlands to replace and maintain and provide year around access to the utility pole which provides service to the house lot.

Reissue amended permit to:

Dredge and fill 5,458 sq. ft. of previously disturbed palustrine scrub-shrub/ emergent wetlands to construct a driveway/ culvert crossing within a designated easement to access a residential building lot in uplands.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout & Design, Inc. dated 3-28-07 (last revised 4/2/07), as received by DES on April 10, 2007.
- 1a. Amendment to increase impact area by 1,000 sq. ft. for the utility pole replacement and service pad shall be in accordance with narrative describing the need and giving location and dimensions dated 11 March 2008 as received by the Wetlands Bureau on March 13, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, for septic setback or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its

completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. PSNH has provided permission to Lamphere Construction, Inc. to construct a driveway within an existing access easement within its #373 and #391 transmission line corridor.

Requested Action:

Request Name Change To:

Lamphere Construction, Inc.
527 Fremont Road
Chester, NH 03036

APPROVE NAME CHANGE:

Approve Name Change To:

Lamphere Construction, Inc.
527 Fremont Road
Chester, NH 03036

2007-02966 WASSERMAN, RICHARD & MARILYN
MIDDLETON Sunset Lake

Requested Action:

Repair an existing 32 linear feet of retaining wall in kind, add a planted buffer adjacent to the retaining wall, and remove an existing 15 linear feet of rocks in the waterbody on Sunrise Lake, Middleton.

Conservation Commission/Staff Comments:

No Con Com comments by February 19, 2008

APPROVE PERMIT:

Repair an existing 32 linear feet of retaining wall in kind, add a planted buffer adjacent to the retaining wall, and remove an existing 15 linear feet of rocks in the waterbody on Sunrise Lake, Middleton.

With Conditions:

1. All work shall be in accordance with plans dated April 2008, as received by DES on April 23, 2008.
2. Dredged material and removed rocks shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Repair shall maintain existing size, location and configuration.
4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock,

- gravel, sand, mud, or other materials from public waters.
2. The proposal will remove fill placed on the lakebed with public waters.

2008-00375 PLAISTOW, TOWN OF
PLAISTOW Little River

Requested Action:

Impact 1,540 sq. ft. within the embankments and flow channel of the Little River for work associated with the replacement of the Garden Road bridge, including the installation of stone rip-rap scour protection and temporary placement of coffer dams during construction.

Conservation Commission/Staff Comments:

No report or comments were received from the Plaistow Conservation Commission regarding this application.

APPROVE PERMIT:

Impact 1,540 sq. ft. within the embankments and flow channel of the Little River for work associated with the replacement of the Garden Road bridge, including the installation of stone rip-rap scour protection and temporary placement of coffer dams during construction.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated October 2007, as received by DES on March 10, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h)&(l).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

2008-00377 NEWCOMB, CORKY & BETSY
TUFTONBORO Lake Winnepesaukee

Requested Action:

Construct a 34 ft x 34 ft boathouse over an existing 34 ft x 34 ft dug in boat basin, on an average of 180 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments

APPROVE PERMIT:

Construct a 34 ft x 34 ft boathouse over an existing 34 ft x 34 ft dug in boat basin, on an average of 180 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated February 18, 2008, as received by DES on March 11, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. All construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
9. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
10. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
11. This permit does not allow for any work to the existing foundation, shoreline or boatslips.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 180 feet of shoreline frontage along Lake Winnepesaukee.

6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. Pursuant to Env-Wq 1410, the applicant requested a waiver of rule Env-Wq 1405.07 to complete the boat house previously approved by the Department under Wetlands permit number 1997-00281.

2008-00422

LEVESQUE, RAYMOND & REBECCA

MEREDITH Hermit Lake

Requested Action:

Dredge and fill a total of 2190 square feet of palustrine forested and scrub shrub wetland including the installation of a 12.5 wide x 28.75 long open bottom structure over a perennial stream and a 24-inch x 27.5 foot culvert within an intermittent stream for a total stream impact of 89 linear feet for access to a proposed single family residence.

APPROVE PERMIT:

Dredge and fill a total of 2190 square feet of palustrine forested and scrub shrub wetland including the installation of a 12.5 wide x 28.75 long open bottom structure over a perennial stream and a 24-inch x 27.5 foot culvert within an intermittent stream for a total stream impact of 89 linear feet for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated February 2008, as received by the Department on March 21, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work within the perennial stream shall be done during low flow.
5. Work within the intermittent stream shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No equipment shall enter the water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Meredith Conservation Commission issued a letter stating no concerns with the proposed project on March 29, 2008.

MINIMUM IMPACT PROJECT

2007-02783 STANLEY, EDWARD & ROXANNE
JEFFERSON Unnamed Wetland

Requested Action:

Retain approximately 2,397 sq ft. of impacts to emergent wetlands and a 15 in. x 40 ft. culvert with associated headwalls for upgrades conducted to an existing access drive for a future two lot subdivision.

APPROVE AFTER THE FACT:

Retain approximately 2,397 sq ft. of impacts to emergent wetlands and a 15 in. x 40 ft. culvert with associated headwalls for upgrades conducted to an existing access drive for a future two lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Colin F. Sutherland (includes "File 2007-02783" in the title block), as received by DES on May 6, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Any future work proposed within the uplands or wetlands within the area identified as "Wetlands Delineated Using Offsite Method" will require a full onsite wetlands delineation by a NH Certified Wetlands Scientist that is conducted in accordance with current delineation requirements at that time.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects alteration of involving less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project involves retaining existing fill that was not previously permitted.
6. The proposed work is to upgrade access for a future additional house lot for the applicant's son.

2007-02993 KEYSpan ENERGY DELIVERY NEW ENGLAND, PATRICIA HAED
NASHUA Nashua River

Requested Action:

Install test wells and underground piping in a previously disturbed 800 sq. ft. area of wetlands jurisdiction for work associated with the implementation of a 'dense non-aqueous phase liquid' (DNAPL) pilot test at a former manufactured gas plant.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission recommended approval of this project.

APPROVE PERMIT:

Install test wells and underground piping in a previously disturbed 800 sq. ft. area of wetlands jurisdiction for work associated with the implementation of a 'dense non-aqueous phase liquid' (DNAPL) pilot test at a former manufactured gas plant.

With Conditions:

1. All work shall be in accordance with plans by Innovative Engineering Solutions, Inc. dated Dec 2007, as received by DES on January 10, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2008-00273 THIBAUT, JOHN
HAMPTON Atlantic Ocean

Requested Action:

Excavate, regrade and/or otherwise alter terrain within 4,800 sq. ft. of the previously developed upland tidal buffer zone to demolish the two existing structures and construct a new single family residence with all portions of the new dwelling being more than 50 feet landward of the highest observable tide line.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a ... wetlands permit for the demolition of an existing single family residence and construction of a new residence at 1026 Ocean Blvd."

APPROVE PERMIT:

Excavate, regrade and/or otherwise alter terrain within 4,800 sq. ft. of the previously developed upland tidal buffer zone to demolish the two existing structures and construct a new single family residence with all portions of the new dwelling being more than 50 feet landward of the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/17/08 (last revised 5/19/08), as received by DES on May 21, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Pervious pavement shall be used in all locations practicable as indicated on approved Site Plan.

2008-00410 VATHALLY, THOMAS
ALBANY Unnamed Wetland

Requested Action:

Dredge and fill 2,920 sq. ft. of forested wetlands (includes 895 sq. ft. of wetlands restoration) for completion of a new access driveway to a single family building lot. Work in wetlands consists of realigning the existing access, utilizing portions of the existing fill area, restoring portions of the adjacent wetland and installation of a 15 in. x 32 ft. culvert and associated headwalls.

APPROVE PERMIT:

Dredge and fill 2,920 sq. ft. of forested wetlands (includes 895 sq. ft. of wetlands restoration) for completion of a new access driveway to a single family building lot. Work in wetlands consists of realigning the existing access, utilizing portions of the existing fill area, restoring portions of the adjacent wetland and installation of a 15 in. x 32 ft. culvert and associated headwalls.

With Conditions:

1. All work shall be in accordance with plans by Briggs Land Surveying, dated January 10, 2008 and narratives by North Country Soil Services, dated February 25, 2008, as received by DES on March 17, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The Certified Wetland Scientist (CWS) that delineated the wetland boundaries on the project shall verify the wetland delineation boundaries and wetlands on the site before the start of construction. If boundary changes are needed a revised delineation plan shall be submitted to DES and approved before the start of construction.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The proposed wetland restoration activities shall be completed by September 1, 2008. As indicated in the application narratives the planting of the woody seedlings can be delayed until 2009 if needed. This planting information shall be reflected in the follow-up monitoring reports to DES.
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects alteration of involving less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project involves retaining existing fill that was not previously permitted. The applicant is utilizing portions of the existing fill and restoring the remaining areas.
6. No comments were submitted by the Swift River Local Advisory Committee.

EXPEDITED MINIMUM

2008-00049 R & F LAND DEVELOPMENT LLC
FRANKLIN Unnamed Wetland

Requested Action:

Fill approxiamtely 225 sq.ft. of wetlands to discourage stormwater from running to Kidder Avenue.

APPROVE RECONSIDERATION:

Fill approxiamtely 225 sq.ft. of wetlands to discourage stormwater from running to Kidder Avenue.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering dated May 2, 2008, as received by DES on May 2, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow.

With Findings:

1. The applicant has reduced the impact from 1,975 sq.ft. to 225 sq.ft.
2. The applicant proposes to develop a vacant 53 acre tract into a twenty-eight lot single family subdivision.
3. The property has 5.23 acres of existing wetlands divided into five separate areas.
4. The proposed drainage system has been designed to mitigate the impact resulting from the increase in impervious cover from the new streets, driveways, and homes.
5. The proposed impact is to construct a narrow berm across the tributary diverting any flow away from the residential area.

2008-00579 CONTINENTAL REAL ESTATE LLC
NEWTON Unnamed Wetland

Requested Action:

Dredge and fill 1,310 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with a culvert crossing to provide improved access to an existing commercial site.

Conservation Commission/Staff Comments:

The Newton Conservation Commission signed the expedited application.

APPROVE PERMIT:

Dredge and fill 1,310 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with a culvert crossing to provide improved access to an existing commercial site.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated March 2008 (last revised 03/20/08), as received by DES on April 15, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

2008-00610 DANDRADE, KEVIN
AUBURN Unnamed Wetland

Requested Action:

Impact a total of 794 square feet of palustrine forested wetland to include the retention of 508 square feet of previous fill and 286 square feet of new fill for the replacement of an existing 18" CMP culvert with a 24" RCP culvert, replace and extend an existing 12" CMP culvert, and relocate the existing driveway to a single family residential dwelling on 3.49 acres

Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 794 square feet of palustrine forested wetland to include the retention of 508 square feet of previous fill and 286 square feet of new fill for the replacement of an existing 18" CMP culvert with a 24" RCP culvert, replace and extend an existing 12" CMP culvert, and relocate the existing driveway to a single family residential dwelling on 3.49 acres

With Conditions:

1. All work shall be in accordance with plans by TEC, Inc. dated March 24, 2008, as received by DES on April 21, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The applicant requests to relocate the existing driveway and upgrade an existing culvert, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts are necessary to improve the drainage beneath the existing driveway. The existing culvert is undersized and overtops under storm conditions, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

ROADWAY MAINTENANCE NOTIF

2008-00846 **NH DEPT OF TRANSPORTATION**
BELMONT **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 24" X 55' concrete pipe with new 24" X 72'concrete pipe on a skew, cleanout inlet and outlet. Replace 18" X 40' CMP with an 18" by 40' CMP at a skew, replacing outlet headwall and clean inlet end.

2008-00856 **NH DEPT OF TRANSPORTATION**
GILMANTON **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 30" X 50' concrete highway culvert with a new 30" X 50'concrete pipe and repairing the outlet headwall.

2008-00868 **NH DEPT OF TRANSPORTATION**
PITTSFIELD **Unnamed Stream**

COMPLETE NOTIFICATION:

Replacing 5 drainage culverts with plastic pipe lining 3 drainage culverts.

PERMIT BY NOTIFICATION

2008-00831 **LACONIA SAVINGS**
GILFORD **Black Brook**

Requested Action:

Dredge and fill 10 square feet within the bank of a surface water to provide an outflow pipe.

PBN DISQUALIFIED:

Disqualify PBN to dredge and fill 10 square feet within the bank of a surface water to provide an outflow pipe, as it does not meet any of the criteria of Env-Wt 506.01(a).

2008-00842 **ALTON HIGHWAY DEPT, TOWN OF**
ALTON **Unnamed Stream**

Requested Action:

Impact approximately 110 square feet within the bed and bank of an unnamed perennial stream to repair existing headwall.

PBN IS COMPLETE:

Impact approximately 110 square feet within the bed and bank of an unnamed perennial stream to repair existing headwall.

CSPA PERMIT

2008-00703 AMES/YOUNG, W STETSON/ANNE
STRAFFORD Bow Lake

Requested Action:

Construct a residential primary structure within 250 ft of the reference line on an undeveloped lot with approximately 180 ft of frontage on Bow Lake in Strafford.

APPROVE PERMIT:

Construct a residential primary structure within 250 ft of the reference line on an undeveloped lot with approximately 180 ft of frontage on Bow Lake in Strafford.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated March 28, 2008 as received by DES on May 5, 2008.
2. The total area of impervious surface shall not exceed 17.1% of the total area of the lot within the protected shorelands.
3. At least 6,377 sq ft of the area located between the 50 ft primary building setback and the 150 ft woodland buffer shall remain in an unaltered state.
4. Orange construction fencing shall be placed at the limits of areas to be disturbed to prevent accidental encroachment upon areas to remain unaltered.
5. The Applicant shall maintain the vegetation within the Waterfront Buffer in a manner that complies with the requirements of RSA 483-B, V, (a).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The planting invasive or exotic species is strictly prohibited.
12. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. All work on this property shall be conducted in a manner that meets all of the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B(see attached fact sheet).

With Findings:

1. This project will result in not more than 17.1 percent of the area of the protected shoreland on lot being covered by impervious surfaces.